

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION  
February 26, 2008**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Vice Chairperson Pesec called the meeting to order at 7:04 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Franz (alt. for Schaedlich), Klco (alt. for Troy), Terriaco (alt. for Morse), Zondag, and Ms. Hausch and Pesec. Staff present: Messrs. Webster, Radachy, and Ms. Truesdell.

**MINUTES**

Ms. Hausch moved and Mr. Adams seconded the motion to approve the minutes of January 29, 2008.

All voted "Aye".

**FINANCIAL REPORT**

Mr. Brotzman moved and Ms Hausch seconded the motion to approve the January, 2008, Financial Report.

All voted "Aye".

**Public Officials Directory Quotes**

Mr. Webster presented the quotes to print 720 copies of the 2008 Public Officials Directory. He noted that the Lake County Chambers of Commerce were unable to order 3000 copies as in previous years. The lowest bid was from ReproCenter for \$1,533.00.

Mr. Brotzman moved and Ms. Hausch seconded the motion to approve the expenditure of \$1,533.00 for printing 720 copies of the Public Officials Directory.

All voted "Aye".

**PUBLIC COMMENT**

There was no public comment.

**LEGAL REPORT**

Mr. Eric Condon, Assistant Prosecutor, said that there were no legal issues to report.

**DIRECTOR'S REPORT**

Mr. Webster said the comprehensive plan for North Perry Village is all set except for the Executive Summary and should be sent to them this week. After a meeting with Madison Township earlier this month, we should have a draft ready within the next couple of months.

Mr. Webster said that he met with the Finance office on the 2008 budget. Mr. Siegel expressed his desire for a special meeting or an Executive Session prior to the March 25<sup>th</sup> meeting to discuss the budget.

Ms. Pesec queried members as to an appropriate time for a special meeting and a consensus was reached to meet March 5<sup>th</sup> or 6<sup>th</sup> at 6:30 p.m.

**ANNOUNCEMENTS**

Mr. Webster said there will be an American Planning Association audio conference, "Design Guidelines for Rural Towns and Communities, on Wednesday, March 5<sup>th</sup> at the Ashtabula County Engineer's Office in Jefferson, Ohio.

Mr. Webster announced that the Northeast Ohio Planning and Zoning Conference annual meeting will be held on Friday, June 20<sup>th</sup> in Chardon, Ohio and asked that members reserve the date.

#### SUBDIVISION REVIEW

##### Concord Township – Crossroads at Summerwood Subdivision Phase 1, Maintenance Bond

Mr. Radachy said that Crossroads was tabled at the December meeting.

Mr. Adams moved and Mr. Klco seconded the motion to untable Crossroads at Summerwood Subdivision Phase 1, maintenance bond and take it off the table.

All voted “Aye”.

The Crossroads Subdivision maintenance bond issue was taken off the table.

Mr. Radachy said that Crossroads at Summerwood Subdivision is located off of Concord-Hambden Road south of Summerwood Subdivision which is off of Girdled Road and north of Stanford Springs. Twentieth Century is the developer who is asking that one year of their three-year bond be forgiven. Instead of posting a three-year bond, they are asking to be allowed to post a two-year bond. The County Engineer agreed to accept the two-year maintenance bond and forgiving one year of the maintenance period and having the bond expire in February of 2010.

Mr. Webster said they will still need to post the required 10% for each of the two areas, one for water and sewer and one for drainage and roads.

Mr. Radachy said we are currently holding the 10% maintenance as part of the construction surety, 10% for contingencies.

Mr. Brotzman moved to accept the recommendation of the Engineer’s office and accept the two year maintenance period. Mr. Zondag seconded the motion.

All voted “Aye”.

##### Concord Township - Quail Hollow Phase No. 10 and Phase No. 11, Request for Extension of Preliminary Plan Approval

Mr. Radachy said that Quail Hollow Phase No. 10 and Phase No. 11 are both asking for a two-year extension on their preliminary plan approval because they are still waiting for their individual wetlands permit from the Corps of Engineers. They are located east of State Route 44 and Crile Road and are adjacent to Quail Hollow golf courses. Article III of the Subdivision Regulations states that if the final improvement plat is not submitted within three years, the preliminary plan approval is void. The Planning Commission granted a one-year extension in 2007. Quail Hollow Phase No. 11 is a four lot subdivision. The front two lots are commercial and two lots are condominiums and open space. This subdivision also received a one-year extension in 2007.

Mr. Radachy said the letter states that there is an individual permit as opposed to a nationwide permit and the procedure takes longer.

Mr. Bill Martin of W. R. Martin Builders said the application was made years ago on the individual permit and was one of the first permits applied for after the nationwide permit expired. The procedures are much more cumbersome. They asked for two years because there has been no reliable timeline to indicate that this would be completed in one year. The application has been approved, and they approved the permit pending approval of the mitigation plan. The mitigation plan involves buying credits from the Ohio Wetlands Foundation and those credits are not yet approved by the Corps. Although they have been approved, the Corp has yet to release them. They thought it would be more prudent to ask for a two-year extension rather than come back again next year.

Mr. Radachy said these were the only two subdivisions that have asked for extensions. The Subdivision Regulations do not address a timeframe.

Mr. Martin said that the Corps has had staffing and budget difficulties but no difficulties that involve the project itself. They are primarily mitigating the right-of-way where the future Quail Hollow Drive will go and where they put in a 12-inch waterline that goes out to Crile Road. It is a ditch that was never maintained and is now both jurisdictional and non-jurisdictional wetlands. They created six acres but this is the two acres being mitigated. There are not any environmental issues, just procedural issues.

Mr. Adams said that since we have set a precedent for one-year extensions, and although it may be inconvenient to ask for another extension next year, he felt we should stay with one year. He moved to grant a one year extension of the Preliminary Plan Approval to Quail Hollow Phase No. 10 and Phase No. 11. Mr. Zondag seconded the motion.

All voted "Aye".

#### Subdivision Activity Report

Mr. Radachy said Mountainside Farms, Phase II maintenance surety will probably go to the Commissioners for approval next week.

#### LAND USE AND ZONING REVIEW

##### Concord Township – Proposed Text Amendment Additions to Section V, Definitions, and Section XVII, Multi-Family, 17.01, Permitted Uses, and 17.07, Side and Rear Yard

Mr. Radachy explained that the request for change included the definitions section and the multi-family section. The applicant, River Oaks Home Builders, is asking to allow detached units in the multi-family district, provide a definition for dwelling, multi-family detached and proposed regulations showing the dwelling and multi-family detached as permitted use and provide a minimum distance between units. The definition being added is the same definition as the Dwelling Single Family with the addition of "or common area located in the R-3 District and meeting the minimum setbacks."

The definition for dwelling, detached single-family is "a building consisting of a single dwelling unit only, designed to be used exclusively for occupancy by one (1) family and separated from other dwelling units by open space." This definition has been interpreted to mean both condominium and fee simple. Staff stated that there is no reference in the definition that detached single-family dwelling has to be fee simple. He also said that there was another definition for detached single-family dwellings in the R-2 PUD section.

The definition for R-2 detached single-family dwelling is a building consisting of a single dwelling unit only, with no common building elements attached to any other dwelling unit. The R-2 definition has been interpreted to include both fee simple (house on a lot) and condominium (land owned in common).

The Land Use and Zoning Committee and Staff recommended to not recommend approval of the Detached Multi-Family as a permitted use. This is not a definition for multi-family and the current definition of single family could be interpreted to mean both fee simple or condominium. The density would be 8 units per acre, which is much higher than the 1.98 units allowed in R-1. This is a multi-family district, not a single-family district.

The applicant is not amending section 17.09, minimum dwelling unit area, nor is it amending section 17.03, Lot Area, and 17.04, Density. This developer and any other developer of other R-3 land would be able to build a one bedroom, 800 square foot building, or a two bedroom, 1000 square foot unit. This text change would apply to any property that becomes R-3 in the future.

Ryan Summers says that the present zoning restricts him to a 3 to 8 unit building which does not meet today's market needs. There is a need in Concord for high density single-family living.

Ms. Pesec said that it is critical that the zoning text be written very specifically with unambiguous definitions.

Mr. Radachy explained the procedure to be followed to request a zoning text change.

Mr. Klco moved and Mr. Adams seconded the motion to accept the recommendation of the Land Use and Zoning Committee to not approve the text change of Proposed Text Amendment Additions to Section V, Definitions, and Section XVII, Multi-Family, 17.01, Permitted Uses, and 17.07, Side and Rear Yard.

Mr. Radachy said he could write a recommendation letter to the Zoning Commission stating the issues that exist in the text.

Mr. Zondag moved that the motion be amended to include Mr. Radachy's recommendation. Ms. Hausch seconded the motion.

Ms. Pesec asked for a vote on the amendment to the motion that a recommendation letter to the Zoning Commission be written stating the issues that exist in the text.

All voted "Aye".

Ms. Pesec asked for a vote on the original motion as amended

All voted "Aye".

#### REPORTS OF SPECIAL COMMITTEES

Ms. Pesec reported that the Subdivision Regulations Committee met and worked on Article IV and will continue to work on Article V.

#### CORRESPONDENCE

There was no correspondence to report.

#### OLD BUSINESS

There was no old business to report.

#### NEW BUSINESS

Mr. Zondag mentioned that Mr. Klco was featured in *Vegetable Growers Magazine* as a very successful first generation farmer.

#### PUBLIC COMMENT

There was no public comment.

#### ADJOURNMENT

Mr. Zondag moved and Mr. Klco seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 8:30 p.m.

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Walter R. Siegel, Chairman

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Darrell C. Webster, Director

## **SPECIAL MEETING**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 6:30 p.m.

### **ROLL CALL**

The following members were present: Messrs., Brotzman, Morse, Schaedlich, Siegel, Zondag, and Mmes. Hausch and Pesec. Staff present: Mr. Webster and Ms. Truesdell. Ms. Nocero of the Prosecutor's office was also present.

### **EXECUTIVE SESSION**

Mr. Siegel asked for a motion to go into Executive Session to discuss personnel.

Mr. Morse moved and Mr. Pesec seconded the motion to go into Executive Session at 6:34 p.m.

All voted "Aye".

The Executive Session concluded at 7:57 p.m.

Mr. Brotzman moved and Mr. Schaedlich seconded the motion to come out of Executive Session.

All voted "Aye".

Mr. Siegel asked Ms. Pesec to join him to discuss personnel at a future date with Mr. Webster.

### **ADJOURNMENT**

Mr. Morse moved and Mr. Schaedlich seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 7:59 p.m.

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Walter R. Siegel, Chairman

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Darrell C. Webster, Director

**LAKE COUNTY PLANNING COMMISSION**  
**March 25, 2008**

The March 25, 2008 meeting was cancelled due to lack of business.